

## United States Patent and Trademark Office

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APPLICATION NO. FILING DATE 09/763,356 02/21/2001		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
		Johannes-Albert Mieden	SCHULTE		
7:	590 01/22/2003				
James C Wray Suite 300 1493 Chain Bridge Road			EXAMINER		
			CHIN SHUE, ALVIN C		
McLean, VA 22101			ART UNIT	PAPER NUMBER	
			3634		
			DATE MAILED: 01/22/2003		

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time many be wishable under the provisions of 3 CPR 1.75(b). In no event, however, may a reply be timely filled Extension of time many be wishable under the provisions of 3 CPR 1.75(b). In no event, however, may a reply be timely filled  If the period for reply specified above is least blank thirty (20) days, a reply vishin the studency minimum of thirty (20) days, will be considered timely.  If the period for reply specified above is least blank thirty (20) days, a reply vishin the source of reply is specified on the mailing date of this communication.  Fallware to reply wishin the set or extended period for reply will, by studency set of the communication, even if timely filled, and y review any set of this communication, even if timely filled, and y review any set of this communication, even if timely filled, and y review any set of the communication, even if timely filled, and y review any set of the communication, even if timely filled, and y review any set of the communication, even if timely filled, and y review any set of the communication, even if timely filled, and y review any set of the communication, even if timely set of the communication, even if timely filled, and y review any set of the communication, even if timely filled, and y review any set of timely filled.  1) Expossition of Claims  4) Expossition of Claims  4) Claim(s) 20-39 is/are pending in the application.  4) Claim(s) 20-39 is/are pending in the application.  4) Claim(s) 20-39 is/are pending in the application.  5) Claim(s) 20-34 is/are rejected.  7) Claim(s) is/are abjected to by the Examiner.  10) The drawing(s) filled on is/are allowed.  6) Claim(s) 20-34 is/are explicated to explication and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filled on is/are allowed.  11) The proposed drawings are required in reply to this Office action.						SK				
Examiner Art Unit Alvin C. Chin-Shue 3834  The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Examinor of time may be available under the positions of 37 CPR 1.35(a). In or event, however, may a right be timely filed  Examinor of time may be available under the positions of 37 CPR 1.35(a). In or event, however, may a right be timely filed  Examinor of time may be available under the positions of 37 CPR 1.35(a). In or event, however, may a right be timely filed  Examinor of time may be available under the positions of 37 CPR 1.35(a). In or event, however, may a right be timely filed  Examinor of time may be available under the positions of 37 CPR 1.75(a).  If the period for righty aspectified above, the maximum stations prior will make the station of the communication.  Any reply records by the Office stitlen these members bette the mailing date of this communication, even if timely filed, may reduce any control patent term adjustment. Sea 37 CPR 1.76(b).  Status  1) Responsive to communication(s) filed on 10 December 2002.  2(a) This action is FINAL.  2(b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 20-39 is/are pending in the application.  4a) Of the above claim(s) 35-39 is/are withdrawn from consideration.  5) Claim(s) 30-34 is/are rejected.  7) Claim(s) 30-34 is/are rejected.  7) Claim(s) 30-34 is/are rejected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on 31 is/are: a) accepted or b) objected to by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  11) The proposed drawing correction filed o	•		Applica	tion No.	Applicant(s)					
Avin C. Chin-Shue	Office Action Summary		9/763,3	56	MIEDEN, JOHAN	MIEDEN, JOHANNES-ALBERT				
- The MALING DATE of this communication appears on the cover sheet with the correspondence address - Period for Repty  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Edencions from may be available used the provision of 3 CPR 1.136(s). In no event, however, may a reply be firmly filed and in the correspondence of 3 CPR 1.136(s). In no event, however, may a reply be firmly filed and in the set of communication of 3 CPR 1.136(s). In no event, however, may a reply be firmly filed and in the set of communication of 3 CPR 1.136(s). In no event, however, may a reply be firmly filed and in the set of communication of the communication of the communication of the provision of the communication of the set of communication of the communication, which is the maining date of this communication, which is the communication of the communicat			Examin	er	Art Unit					
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The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 20-34 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification as originally filed is replete with vague description of the claimed invention, too numerous to mention all, e.g. on page 14, "or better", "special shapes", "common design", "about to scale"; page 15, "partially tightened or braced and pictured", "shaped parts" throughout the specification is vague as it does not specify what shapes these parts are; "even contact surfaces", "newly created contact surfaces", "specially shaped inlet", "quasi layered contact surface", "layered shape of the contact surface", "or better the end piece", "expanded towards the shaff", "features parts", etc.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 20-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter

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which applicant regards as the invention. The claims are replete with vague limitations too numerous to mention e.g., in claim 20, it is unclear how the fastener, if the fastener is the bracing element 6, connects the third half brace, if the third half brace is member 7, to the first and second half brace (3,4). Are the bracing elements and the fastener different elements, as suggested by the claim? Is the fastener for tightening the first and second braces comprises "bolts"? from the drawings it appears that only one bolt is used for tightening the first and second braces. The limitation of preventing jamming "inside" the projecting parts is not understood. The phrase "the bracing elements" lacks antecedent basis; in claim 21, what are the wedges "fitting into" the bell shaped parts? "shaped portions"; turning motion "inside" the bell shaped parts; the limitations of claim 22, 26, 27, 28, are not understood, in claim 24, "vertical bevel", "short bevel", "longitudinal bevel", etc.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 20-34, as understood and assuming to be definite are rejected under 35 U.S.C. 102(b) as being clearly anticipated by either British pat' 620 to Burton, Swiss pat. '223, Miller, or Lowe.

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Applicant's election with traverse of fig.2 in Paper No. 10 is acknowledged. The traversal is on the ground(s) that figs 2 and 9 are not materially different product. This is not found persuasive because it is unclear if applicant is stating that figs 2 and 9 are or are not patentable distinct species, which are the grounds for traversal. If deemed that they are not patentable distinct species, then applicant should clearly state so.

Applicant's arguments filed 2.4.02 have been fully considered but they are not persuasive. Lowe, as understood, shows contact surface at 13, and bolt 17,18 which prevents twisting motion, Miller shows bolt at 21,22 which prevents twisting motion and contact surface at 14.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin C. Chin-Shue whose telephone number is 703-308-2475. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-3597 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-3008-1113.

Alvin C. Chin-Shue Primary Examiner Art Unit 3634

ACS January 16, 2003